PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)
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Cockrill et al.	) Group Art Unit: 3695
	)
Application No. 09/932,364	) Examiner: Weis, Samuel
	)
Filed: 08/17/2001	) Atty. Docket No.:
	) AMDCP061
For: ELECTRONIC COMMERCE USING A	)
TRANSACTION NETWORK	) Date: 06/15/2009
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Commissioner for Patents
P.O. Box 1450
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ATTENTION: Board of Patent Appeals and Interferences

REPLY BRIEF (37 C.F.R. § 41.37)

This Reply Brief is being filed within two (2) months of the mailing of the Examiner's Answer mailed on 04/15/2009.

Following is an issue-by-issue reply to the Examiner's Answer.

Issue # 1:

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 112, second paragraph.

Group #1: Claims 51, 53, 55, 58, 60, 61, and 64

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention. More specifically, the Examiner has argued that "[t]he language 'on behalf of' is vague and indefinite."

Appellant respectfully disagrees and asserts that the claimed "on behalf of" in all of the pertinent claims is to be read with regards to its plain and ordinary meaning, as evidenced by dictionary definitions, etc. For example, one dictionary definition of "on behalf of" is "[a]s the agent of; on the part of" (*The American Heritage® Dictionary of the English Language, Fourth Edition*). Therefore, appellant's Claims 51, 53, 55, 58, 60, 61, and 64 are clearly definite.

In the Examiner's Answer mailed 04/15/2009, the Examiner has argued that "[w]hile the [a]ppellant can of course assert the plain meaning rule when the specification is silent with regards to a particular limitation, in this case, it is unclear how the invention functions any differently when an agent of a first online service practices it as opposed to the first online service itself practicing the invention."

Appellant respectfully disagrees and asserts that appellant specifically claims a technique "wherein the method is practiced on behalf of a first online service" (see Claim 51 – emphasis added), a technique "wherein the computer program is executed on behalf of a first online service" (see Claim 58 – emphasis added), and a technique "wherein (a) and (b) operates on behalf of a first online service" (see Claim 64 – emphasis added), as claimed, and not that "the first online service itself practic[es] the invention," as suggested by the Examiner. Therefore, appellant's specifically claimed "on behalf of a first online service," as claimed, is clearly definite.

Issue # 2:

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 103(a) as being unpatentable over Teper et al. (U.S. Patent No. 5,815,665), in view of Goldman et al. (U.S. Patent No. 5,684,951).

Group #1: Claims 51, 53, 58, 60, and 64

With respect to the independent claims, the Examiner has relied on the Abstract from Teper, and particularly Teper's disclosure of an online brokering service, to make a prior art showing of appellant's claimed technique "wherein the method is practiced on behalf of a first online service" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Abstract from Teper merely discloses an "Online Brokering Service [that] provides user authentication and billing services," where "[u]sers...initially register with the Brokering Service." However, Teper further teaches that "when a user connects to a registered SP [(Service Provider)] site and attempts to access an online service, the SP site initiates a challenge-response authentication sequence which allows the Online Brokering Service to authenticate the user for the SP site" (Col. 3, lines 5-9 - emphasis added). Specifically, "the SP site sends a challenge message to the user's computer over the distributed network (e.g., the Internet), and the user computer responds by generating and returning a cryptographic response message" (Col. 3, lines 9-13). In addition, "[t]he SP site forwards the response message to the Online Broker site along with the user's unique ID (which the SP site obtains from the user computer) and the original challenge message," in order for the "Online Brokering Service...to determine whether the response message was properly generated, and to thereby authenticate the user" (Col. 3, line 19-25 - emphasis added).

Thus, Teper expressly discloses that a user registers with a brokering service, but that when a user connects to a service provider site, the service provider site sends the challenge message, receives the response message, and forwards such response message to the separate online broker

site (see Figure 1). Clearly, Teper discloses two different sites, an online broker site that registers a user, and a service provider site that receives a response message from the user when the user connects to the service provider site and forwards such message to the online broker site for authenticating the user. Appellant emphasizes that use of the service provider site and the online broker site, as in Teper, fails to meet appellant's specifically claimed "method [that] is practiced on behalf of a first online service," where the method comprises both "registering a user" and "identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user" (see the same or similar, but not necessarily identical language in the independent claims-emphasis added - emphasis added), in the context claimed by appellant.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that "Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user." The Examiner has also argued that "Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant])," and that "Teper provides authentication for multiple users simultaneously."

Appellant respectfully disagrees. Only generally alleging that Teper discloses multiple online services, as noted by the Examiner, fails to specifically meet appellant's claimed "method [that] is practiced on behalf of a first online service," where the method comprises both "registering a user" and "identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user" (emphasis added), in the context claimed by appellant.

Appellant again emphasizes, as noted above, that Teper expressly discloses that a user registers with a brokering service, but that when a user connects to a service provider site, the service provider site sends the challenge message, receives the response message, and forwards such response message to the separate online broker site (see Figure 1). Thus, Teper clearly discloses two separate services, one which registers a user and the other which receives a response to a challenge message, which simply does not meet appellant's claimed "method [that] is practiced

on behalf of a first online service," where the method comprises both "registering a user" and "identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user" (emphasis added), in the context claimed by appellant.

In the Examiner's Answer mailed 04/15/2009, the Examiner has "respectfully disagree[d] with [a]ppellant's characterization of the claimed limitation," and has argued that "[a]s discussed above, [a]ppellant provided a dictionary definition for 'on behalf of,'" where "[o]ne of the definitions is 'on the part of.'" Further, the Examiner has argued that "[c]ertainly an entity can practice an invention on the part of itself" and that "[h]ow else would an invention be practiced?" In addition the Examiner has provided an example where "a real estate broker purchases a new home on behalf of himself and his family" and that "[i]n this case at issue, the online brokering service of Teper is the first online service practicing the method," where "[t]he online brokering service provides user authentication and billing services to allow users to anonymously purchase online services from service providers sites (web sites) over the internet (abstract)" and "[t]he online brokering service registers the user (abstract) and identifies the user (i.e. authenticates the user) (abstract)."

Appellant respectfully disagrees and asserts that appellant clearly claims a technique "wherein the method is practiced on behalf of a first online service" (emphasis added), as specifically claimed by appellant, and not that "an entity can practice an invention on the part of itself" (emphasis added), as alleged by the Examiner. Therefore, the Examiner's example, in conjunction with the Examiner's argument that "the online brokering service of Teper is the first online service practicing the method," where "[t]he online brokering service provides user authentication and billing services" (emphasis added), as argued by the Examiner, simply fails to meet appellant's specifically claimed technique "wherein the method is practiced on behalf of a first online service" (emphasis added), as claimed by appellant.

Furthermore, appellant again asserts that Teper teaches that a user registers with a **brokering service**, and also teaches that when the user connects to a service provider site, the **service provider site sends the challenge message, receives the response message, and forwards such response message** to the **separate** online broker site (see Figure 1). Thus, Teper clearly discloses

a brokering service, in addition to a service provider <u>separate</u> from <u>the online broker site,</u> which simply does not meet appellant's specifically claimed "method [that] is practiced <u>on behalf of a first online service</u>," where the method comprises **both** "registering a user" **and** "identifying the user by: (1) <u>soliciting</u> from the user the member identifier of the user; (2) [and] <u>receiving</u> the member identifier of the user" (emphasis added), in the context as claimed by appellant.

Additionally, in the Examiner's Answer mailed 04/15/2009, on Page 7, second paragraph, to Page 10, third paragraph, the Examiner has further argued that "Teper discloses... (a) registering a user (abstract, col. 5, lines 26-30)" and "(b) identifying the user (i.e. authenticating the user) (abstract) by: (1) soliciting from the user the member identifier of the user:... (col. 3, lines 19-27) [and] (2) receiving the member identifier of the user:... (col. 3, lines 19-27)."

Appellant respectfully disagrees and asserts that the excerpts from Teper relied upon by the Examiner teach that "[u]sers and SP sites initially <u>register with the Brokering Service</u>" (Abstract – emphasis added), and that "[t]o make use of the <u>Online Brokering Service, users</u> and Service Providers initially <u>register</u> with the <u>Online Broker</u>" (Col. 5, lines 26-30 – emphasis added). Further, the excerpts teach that "[t]he [<u>Service Provider (SP)</u>] site forwards the response message to the <u>Online Broker</u> site along with the <u>user's unique ID</u> (which <u>the SP</u> site <u>obtains from the user computer</u>) and the original challenge message," and that "[t]he <u>Online Brokering Service</u> in-turn accesses the brokering database to determine whether the response message was properly generated, and to thereby <u>authenticate the user</u>" (Col. 3, lines 19-25 – emphasis added).

Therefore, Teper teaches that <u>users register</u> with the <u>Online Broker</u>, that the <u>Service Provider forwards</u> the response message and the <u>user's unique ID to the Online Broker</u>, where the <u>unique ID</u> was <u>obtained</u> by the <u>Service Provider</u> from the user computer, and that the <u>Online Broker</u> accesses the brokering database to <u>authenticate the user</u>. However, a user <u>registering</u> with an <u>Online Broker</u>, a <u>Service Provider obtaining</u> a user's <u>unique ID</u> from a user computer, the <u>Service Provider</u> forwarding a response message and <u>a user's unique ID to the Online Broker</u>, and the <u>Online Broker authenticating</u> the user, as in Teper, simply fails to meet appellant's specifically claimed "method [that] is practiced <u>on behalf of a first online service</u>," where the method comprises **both** "registering a user" **and** "identifying the user by: (1) <u>soliciting from the user</u> the member identifier of the user; (2) [and] <u>receiving</u> the member identifier of the user"

(emphasis added), in the context as claimed by appellant.

In addition, with respect to the independent claims, the Examiner has relied on the Abstract of Teper, and in particular the online brokering service disclosed by Teper, to make a prior art showing of appellant's claimed technique "wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Abstract from Teper, as relied on by the Examiner, merely discloses an "Online Brokering Service [that] provides user authentication and billing services to allow users to anonymously and securely purchase online services from Service Providers (SP) sites (e.g., World Wide Web sites) over a distributed public network." Clearly, only generally disclosing allowing users to anonymously and securely purchase online services, as in Teper, fails to even suggest "a plurality of users having a same user computer system," let alone that such a "plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (emphasis added), as specifically claimed.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that "Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user." The Examiner has also argued that "Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant])," and that "Teper provides authentication for multiple users simultaneously."

Appellant respectfully disagrees. First, appellant respectfully asserts that simply alleging that Teper discloses identifying a user that uses a user computer system among a group of users, as noted by the Examiner, fails to meet appellant's claimed "plurality of users having a same user computer system [that] are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (emphasis added), as specifically claimed. Second, appellant points out that Figure 1 of Teper clearly shows a separate user computer system for each user, which does not suggest, and even

seems to *teach away* from, appellant's claimed "plurality of users <u>having a same user computer system</u>" (emphasis added), as specifically claimed.

In the Examiner's Answer mailed 04/15/2009, the Examiner has argued that "[i]t seems that the [a]ppellant' s interpretation of this limitation would be for multiple people to use the same exact computer" and that "[i]t is unclear to the Examiner how the invention would function any differently if for example, the Examiner practiced the claimed invention on his office computer and then another person took his place at the Examiner' s computer to practice the claimed invention."

Appellant respectfully disagrees and asserts that Teper merely teaches that "[t]he SP site forwards the response message to the Online Broker site along with the <u>user's unique ID</u> (which <u>the SP site obtains from the user computer</u>) and the original challenge message" (Col. 3, lines 19-22 – emphasis added).

However, teaching that the Service Provider site obtains the <u>user's unique ID</u> <u>from</u> the <u>user computer</u>, as in Teper, simply fails to suggest "a plurality of users <u>having a same user computer system</u>," let alone that such a "plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (emphasis added), as specifically claimed. Clearly, obtaining the <u>user's unique ID</u> from the <u>user computer</u>, as in Teper, simply fails to even suggest "a plurality of users <u>having a same user computer system</u>" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 04/15/2009, the Examiner has further argued that "Figure 1 of Teper clearly shows (below) multiple users each having a same user computer with a client application and a brokering client" and that "[t]hese multiple users use the Internet to connect to the online brokering service and the service provider sites."
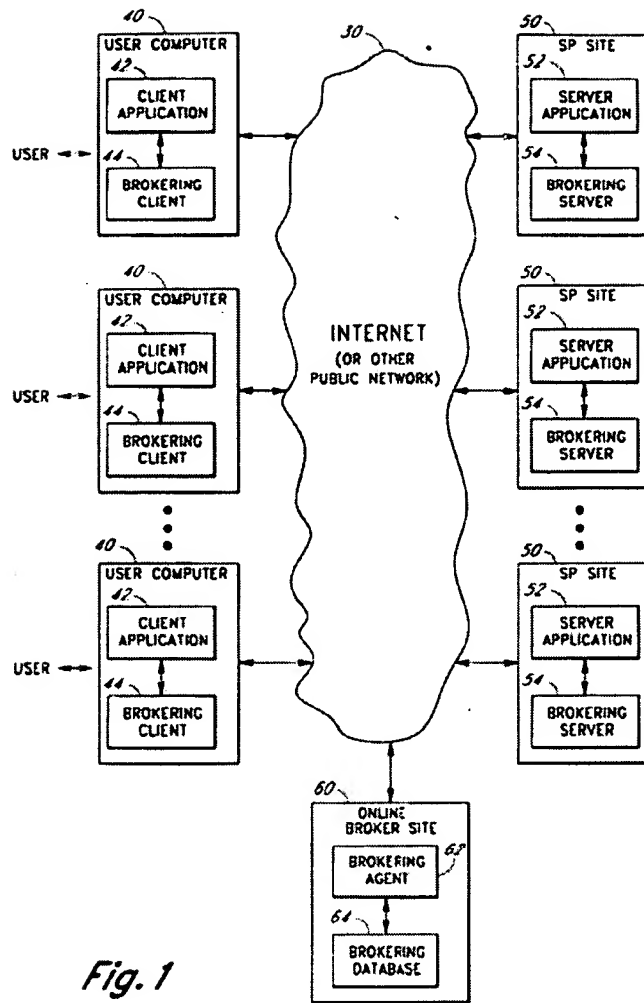
Fig. 1

Appellant respectfully disagrees and asserts that Teper merely teaches that "[r]egistered users… connect to the Internet 30… via user computers 40 to access and purchase SP services available on multiple SP sites 50" (Col. 7, lines 31-35) and that "[e]ach user computer 40 includes at least one client application 42 (such as a World Wide Web browser) for communicating with server applications on the Internet 30" (Col. 7, lines 44-47 – emphasis added). Further, as illustrated in Fig. 1, Teper teaches that each user computer 40 is associated with a single user, as shown by the single left right arrow between the single "USER" and "USER COMPUTER" 40.

Therefore, teaching and illustrating that a user connects to the internet via a user computer 40, where each computer 40 is associated with a single user, as in Teper, simply fails to even suggest

"a plurality of users having a same user computer system" (emphasis added), as specifically claimed by appellant.

Also with respect to the independent claims, the Examiner has relied on Col. 6, lines 4-13 in Teper to make a prior art showing of appellant's claimed technique "wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the excerpt from Teper relied on by the Examiner only discloses that "[t]he user registers with the Online Broker by providing various user information (name, address, phone number, etc.) and payment information (credit card number, purchase order instructions, etc.) to the Broker," and that "[t]he user additionally agrees to a contract, and establishes a personal password that is known only by the user and the Broker" (Col. 6, lines 4-10). In addition, the excerpt teaches that "the Broker assigns a unique ID that can be mapped to the user only by the Broker, and provides the user with the client software components of the system" (Col. 6, lines 10-13). Therefore, appellant respectfully points out that such excerpt from Teper only relates to a user registering with the online broker, which simply does not even suggest that "the user is authenticated to the first online service" (emphasis added), as claimed.

In fact, appellant notes that Teper only discloses that "when a user initially connects to an SP site, the SP site transmits a challenge message over the public network to the user computer, and the user computer generates and returns [a] cryptographic response message (preferably generated using a password of the user)" (Abstract). In addition, Teper teaches that the "SP site then passes the response message to the Brokering Service, which in-turn looks up the user's password and authenticates the response message," such that "[i]f the response message is authentic, the Online Brokering Service transmits an anonymous ID to the SP site, which can be used for subsequently billing the user" (Abstract-emphasis added). Thus, Teper only discloses authenticating the response message, and does not teach that a "user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user" (emphasis added), as specifically claimed.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that "Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user." The Examiner has also argued that "Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant])," and that "Teper provides authentication for multiple users simultaneously."

Appellant respectfully disagrees. As noted above, Teper only discloses that "when a user initially connects to an SP site, the SP site transmits a challenge message over the public network to the user computer, and the <u>user computer generates and returns [a] cryptographic response message (preferably generated using a password of the user)</u>" (Abstract-emphasis added). In addition, Teper teaches that the "SP site then passes the response message to the Brokering Service, which in-turn <u>looks up the user's password</u> and authenticates the response message," such that "[i]f the response message is authentic, the Online Brokering Service transmits an <u>anonymous ID</u> to the SP site, which can be used for subsequently billing the user" (Abstract-emphasis added). Clearly, only disclosing that a response message is generated using a <u>password</u> of the user, and that an anonymous ID is transmitted to an SP site, as in Teper, fails to specifically teach that a "user is authenticated to the first online service utilizing <u>the member identifier, the unique identifier, and a password of the user</u>" (emphasis added), as specifically claimed.

In fact, appellant notes that Teper discloses "the online services available on the Web sites are accessed by the user using a single account (e.g., username and/or password) established between the user and the Online Broker" (Col. 2, lines 45-48). Only disclosing that online services are accessible using a username and/or password, as in Teper, clearly fails to meet appellant's claimed "user [that] is authenticated to the first online service utilizing <u>the member identifier, the unique identifier, and a password of the user</u>" (emphasis added), as specifically claimed.

In the Examiner's Answer mailed 04/15/2009, the Examiner has argued that "Teper discloses that a user is authenticated to the online brokering service (the first online service) with the

Unique ID assigned at registration, the password of the user, and the anonymous session ID generated after connecting to a registered service provider site." Further, the Examiner has argued that "[t]he online brokering service uses the Unique ID and password to identify and authenticate the user based on the user's previous registration with the online brokering service," that "[t]he online brokering service then matches the user to transactions with the user and the service provider sites by the anonymous session IDs and billing statements," and that "the online brokering site must match all three identifiers: Unique ID, password, and session ID, in order approve particular transactions."

Appellant respectfully disagrees and asserts that Teper, as illustrated in Fig. 2, teaches that "[w]ith reference to block 82, the user then attempts to use the SP service," which "involves the transmission of a 'negotiate' message from the user's computer 40 to the SP site 50," where the "negotiate message includes the user's unique ID, which may be in the form of a unique username" (Col. 9, lines 50-55 – emphasis added). Further, Teper teaches that "[w]ith reference to block 84, once the response message has been received at the SP site 50, the Service Provider effectively asks the Online Broker to authenticate the user" by "sending an encrypted pass-through message (which includes the response message, the challenge message from which the response message was generated, and the user's unique ID) to the Online Broker site 60 for authentication," where "the Online Broker site 50 initially accesses the brokering database 64 with the user's unique ID to look up the user's password" and "[t]he Brokering Agent 62 then determines whether the received response message corresponds to the user's password and the received challenge message, to thereby authenticate the response message (and thus the user)" (Col. 10, line 44-58 – emphasis added).

Therefore, Teper teaches that the Service Provider asks the Online Broker to authenticate the user by sending an encrypted pass-through message, which includes the response message, the challenge message, and the user's unique ID, to the Online Broker site for authentication, that the Online Broker site initially accesses the brokering database with the user's unique ID to look up the user's password, and that the Brokering Agent determines whether the received response message corresponds to the user's password and the received challenge message to authenticate the user. However, accessing the brokering database with the user's unique ID to look up the user's password, in addition to determining whether the received response message corresponds

to the user's password and the received challenge message in order to authenticate the user, as in Teper, clearly fails to meet appellant's claimed "user [that] is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user" (emphasis added), as claimed. Clearly, the user's unique ID, the user's password, the received response message, and the received challenge message, as in Teper, simply fails to even suggest "utilizing the member identifier, the unique identifier, and a password of the user" (emphasis added), as specifically claimed by appellant.

Further, with respect to the independent claims, the Examiner has relied on the Abstract, Figures 3-9, and Cols. 5-11 in Goldman to make a prior art showing of appellant's claimed technique "wherein the unique identifier includes an electronic mail address."

Appellant respectfully notes that the above excerpts relied on by the Examiner merely disclose that a "[f]or each registered user, the application stores a user identification, an email (electronic mail) address, and a database containing each authorized IP address for that user" (Abstract – emphasis added). Further, the excerpts disclose that a "user validation system 310a of the present invention maintains a database having an entry for each authorized user," where "[e]ach entry includes the user's identification (user ID), the user's email address, and each IP address for which the user is authorized," and where "[t]he user's email address is known to the user validation system 310a upon user registration" (Col. 6, lines 12-19 – emphasis added). Additionally, the excerpts disclose that a "user terminal system 112 (FIG. 1) is used by the user to originate access requests to the application system 310 (which contains validation system 310a)" (Col. 5, lines 38-40 – emphasis added).

However, merely disclosing that an application stores a user identification and an email address, in addition to disclosing that a user validation system maintains a database of entries that include a user's email address, where the user's email address is known to the user validation system upon user registration, and where the user requests access to the application system which contains the user validation system, as in Goldman, does not teach that "the unique identifier includes an electronic mail address," where the "unique identifier for the user [is stored] on a user computer system in conjunction with the obtained member identifier" (see this or similar,

but not necessarily identical language in the independent claims – emphasis added), in the context as claimed by appellant.

In the Examiner's Answer mailed 04/15/2009, the Examiner has argued that "Goldman teaches a method and system for user authorization over a multi-user computer system including an application that stores for each registered user an user identification, e-mail address, and an authorized IP address (abstract)." Further, the Examiner has argued that "[i]t would have been obvious to one skilled in the art at the time of [a]ppellant' s invention to identify users in Teper with an e-mail address described by Goldman because the combination would have yielded nothing more than predictable results since the claimed invention is merely a combination of old elements."

Appellant respectfully disagrees and again asserts that the excerpts from Goldman relied upon by the Examiner teach that a "user validation system 310a of the present invention maintains a database having an entry for each authorized user," where "[e]ach entry includes the user's identification (user ID), the user's email address, and each IP address for which the user is authorized," and where "[t]he user's email address is known to the user validation system 310a upon user registration" (Col. 6, lines 12-19 – emphasis added).

However, maintaining a database having an entry for each authorized user, where each entry includes the user's identification and the user's email address, as in Goldman, simply fails to even suggest appellant's claimed technique "wherein the unique identifier includes an electronic mail address" (emphasis added), as claimed by appellant.

Further, appellant asserts that Teper teaches that "users (consumers)... initially register with the Brokering Service," where "[e]ach user additionally selects a password, and is assigned a unique ID which can be mapped to the user only by the Online Brokering Service" (Col. 2, line 57-Col. 3, line 2 – emphasis added).

Therefore, maintaining a database having an entry for each authorized user, where each entry includes the user's identification and the user's email address, as in Goldman, in addition to assigning each user a unique ID, which can be mapped to the user only by the Online

Brokering Service, as in Teper, simply fails to even suggest appellant's claimed technique "wherein the <u>unique identifier includes</u> an <u>electronic mail address</u>" (emphasis added), as claimed by appellant. Clearly, assigning each user a <u>unique ID</u>, which can be <u>mapped to the user only by the Online Brokering Service</u>, as in Teper, *teaches away* from the Examiner's allegation that "[i]t would have been obvious... to identify users in Teper with an e-mail address described by Goldman," since Teper's unique ID can <u>only</u> be <u>mapped to the user by the Online Brokering Service</u>.

In addition, it appears that the Examiner has relied on Official Notice regarding the above emphasized claim limitations. In view of the arguments made hereinabove, appellant has adequately traversed the Examiner's assertion of Official Notice, and thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

> "If the [appellant] traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest <u>all</u> of the claim limitations, as noted above.

Group #2: Claims 55 and 61

With respect to Claims 55 et al., the Examiner has relied on Col. 3, lines 5-19 in Teper to make a prior art showing of appellant's claimed technique "wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service."

Appellant respectfully notes that the excerpt relied on by the Examiner merely discloses that "when a user connects to a registered SP site and attempts to access an online service, the SP site initiates a challenge-response authentication sequence which allows the Online Brokering Service to authenticate the user for the SP site" (Col. 3, lines 5-9 – emphasis added). Additionally, the excerpt discloses that "the SP site sends a challenge message to the user's computer over the distributed network (e.g., the Internet), and the user computer responds by generating and returning a cryptographic response message," where "[t]he cryptographic response message is preferably based on both the challenge message and the user's password" (Col. 3, lines 9-15 – emphasis added).

However, merely disclosing a challenge-response authentication sequence between an SP site and a user, where the site sends a challenge message and the user responds with a response message, as in Teper, fails to disclose a technique "wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service" (emphasis added), as claimed by appellant. Merely obtaining a response message from a user, as in Teper, does not teach "obtaining the member identifier from an operator of the second online service" (emphasis added), as specifically claimed by appellant.

In the Examiner's Answer mailed 04/15/2009, the Examiner has argued that "Teper discloses tokens are assigned to the Service Providers upon registration with the Online Brokering Service, allowing the Service Providers to assign user-specific access rights to their respective SP services and service areas (col. 15, lines 51-55)" and that "[t]hese tokens allow service provider sites to specify user's particular access rights to specific services thereby identifying each user by the privilege levels (col. 16, lines 6-19)."

Appellant respectfully disagrees and asserts that the additional excerpts from Teper relied upon by the Examiner teach that "tokens are assigned to the Service Providers upon registration with the Online Brokering Service, allowing the Service Providers to assign user-specific access rights to their respective SP services and service areas" (Col. 15, lines 51-55 – emphasis added). Further, the excerpts teach that "[t]he access rights bits 84 associated with a given token 82 specify the user's particular access rights within the service area identified by the token," which "allows writers of MSN service applications to flexibly define the types of access capabilities to be given to different users, rather then being restricted to a pre-defined set of access capabilities" (Col. 16, lines 6-19 – emphasis added).

However, assigning tokens to the Service Providers upon registration with the Online Brokering Service that allow the Service Providers to assign user-specific access rights, where access rights bits that are associated with a given token specify the user's particular access rights within the service area identified by the token and further allow writers of service applications to define the types of access capabilities to be given to different users, as in Teper, simply fails to suggest appellant's claimed technique "wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service" (emphasis added), as claimed by appellant. Clearly, assigning tokens to the Service Providers upon registration with the Online Brokering Service, as in Teper, simply fails to suggest "obtaining the member identifier from an operator of the second online service" (emphasis added), as specifically claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. AMDCP061).

Respectfully submitted,

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